



2661

PATENT  
8001-1080

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of. #2

Kazuhiko ISOYAMA Conf. 5071

Application No. 09/978,553 Group 2661

Filed October 18, 2001

CONTROLLING METHOD OF PRIORITY  
CLASS SETUP OF COMMUNICATION  
PACKET AND SYSTEM OF THE SAME

RECEIVED

AUG 02 2004

Technology Center 2600

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with Rules 1.97 and 1.98, and in fulfillment of the duty of disclosure under Rule 1.56, the accompanying documents, copies of which are attached to this statement, are made of record on the enclosed Form PTO-1449.

A concise explanation of the relevance of these items is that these references were cited by the Japanese Patent Office in the corresponding Japanese Application Serial No. 317269/2000, filed October 18, 2000. A copy of the Japanese Official Action in which they were cited is attached hereto, with what is believed to be the pertinent portion enclosed in a wavy line. **An English translation of the enclosed portion is also attached hereto.**

Under the provisions of 37 CFR 1.97(e), the undersigned hereby certifies that each item of information

contained in this Information Disclosure Statement was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this Statement.

Respectfully submitted,

YOUNG & THOMPSON



---

Robert J. Patch, Reg. No. 17,355  
745 South 23<sup>rd</sup> Street  
Arlington, VA 22202  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

RJP/fb

July 28, 2004

**RECEIVED**

AUG 02 2004

Technology Center 2600

ISOYAMA-U.S. Pat. Appl. 09/978,553  
Ref. 317269/00-Our Ref. 8001-1080

1. The invention relating to the following claims of the present application could easily have been invented prior to the present application by a person of ordinary skill in the field of technology pertaining to the invention, based on the invention described in the following publications, which have been in circulation in Japan or abroad prior to the present application. Therefore, in accordance with Patent Law Article 29 Section 2, a patent may not be granted.

**Record**

Claims 1, 2, 11, 14, 15, and 24  
Citations Publications

Concerning the point of providing a communication quality service on the basis of priority class, reference is made to:

- (1) Japanese Laid Open Patent Publication Hei 01-225260
- (2) Japanese Laid Open Patent Publication Hei 10-229405

Also, concerning the point of accomplishing testing relating to the communication quality of a communication network, through the use of test packets and the like, reference is made to:

- (3) Japanese Laid Open Patent Publication Hei 01-191541, and
- (4) Japanese Laid Open Patent Publication Sho 64-029042.

**Remarks:**

The invention relating to the Claims of the present application amounts to nothing more than the determination of the degree of priority of a class by simply combining the communication quality test methods such as those of Citation (3) and Citation (4).

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

\* Abstract provided for the Examiner's convenience